THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.32717 of 1998

DATE: 13-9-2005

Between:

G.Narasaiah …… Petitioner

And

1. The Director of Tribal Welfare, A.P. & Ex-Officio

   Chairman, I.T.D.A. for Special Programmes,

   Hyderabad and another ….. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.32717 of 1998

ORAL ORDER:

The relief sought for in this writ petition is to declare the action of the respondent in not regularizing the services of the petitioner in the post of Teacher as illegal, arbitrary and unjust and for a consequential direction to the respondents to regularize the services of the petitioner from the date of initial engagement with all consequential benefits.

In the affidavit filed in support of the writ petition, reference is made to G.O.Ms.No.212 dated 22-4-1994 with regards regularization of daily wages/temporary employees and it is contended that the petitioner, in terms of the said G.O, is fully qualified to be appointed to the post of Teacher for which there is a sanctioned post in the second respondent – Project.

No counter affidavit is filed on behalf of the respondents.

Sri G.Ravi Mohan, learned counsel appearing on behalf of the petitioner would place reliance on a Division Bench Judgment of this Court in **Secretary, A.P. Social Welfare Residential Educational Institutions Society v. P.Venkata Kumari** whereunder this Court held that since Act 27 of 1998 had come into force on 19-8-1998, the ban imposed in terms of Act 2 of 1994 as against grant of regularization would be effective from that date. The Division Bench further held that by reason of G.O.Ms.No.212 no workman derives any vested right to be appointed, but the employees, who fulfill the criteria, were entitled to be considered and that regularization of service in terms of G.O.Ms.No.212 was dependant upon fulfillment of the conditions enumerated therein.

In view of the authoritative pronouncement of the Division Bench of this Court in **Secretary, A.P. Social Welfare Resdiential Educational Institutions Society** (1 supra), there shall be a direction to the respondents to consider the case of the petitioner for regularization as Teacher in accordance with and in terms of the

aforesaid Division Bench judgment.

The writ petition is accordingly disposed of. No costs.

13-9-2005

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